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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/668,291      | 09/25/2000  | Jean-Paul Debalme    | 1247-0849-6VF       | 1279             |

22850 7590 05/22/2002

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EXAMINER

LEE, EDMUND H

ART UNIT PAPER NUMBER

1732

6

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/668,291

Applicant(s)

DEBALME ET AL.

Examiner

EDMUND H LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 7-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: An examiner-initialed photocopy of the List of Related Cases filed 12/19/01.

### DETAILED ACTION

1. Applicant's election with traverse of claims 1-6 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that an examination of all the inventions would be not a serious burden. This is not found persuasive because the performance of three different searches for three different and distinct inventions is a burden on the examiner. The requirement is still deemed proper and is therefore made FINAL.
2. Claims 7-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.
3. Applicants' IDS filed 12/19/01 that lists related U.S. Patent applications has been considered by the examiner. It should be mentioned that the related applications will not be printed on a patent issuing from the instant application, if such is found to be allowable, because the related applications are not listed on a PTO-1449.
4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "yarns...in the form of a sheet" (cl 1, lns 4-5) is indefinite because it is idiomatically incorrect. It is suggested that the word "and" (first occurrence) be changed to --are--.

The word "it" (cl 1, ln 6) is indefinite because it is unclear to what it is referring. If it is the sheet then it should be positively and clearly set forth.

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The word "its" (cl 1, ln 10) is indefinite because it is unclear to what it is referring. If it is the sheet then it should be positively and clearly set forth.

The word "its" (cl 1, ln 14) is indefinite because it is unclear to what it is referring. If it is the sheet then it should be positively and clearly set forth.

The word "its" (cl 1, ln 18, first occurrence) is indefinite because it is unclear to what it is referring. If it is the tape then it should be positively and clearly set forth.

The word "its" (cl 1, ln 18, second occurrence) is indefinite because it is unclear to what it is referring. If it is the tape then it should be positively and clearly set forth.

The word "it" (cl 3, ln 2) is indefinite because it is unclear to what it is referring.

The phrase "the manufacturing line" (cl 6, ln 2) lacks antecedent basis in the claim.

Clarification and/or correction is required.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loubinoux et al (USPN 6294036) in view of Angell, Jr. et al (USPN 5037284). In regard to claim 1, Loubinoux et al teach the basic claimed process including a process for manufacturing a composite tape based on reinforced fibers and thermoplastic organic material (col 2, ln 10-col 3, ln 40; figs 1-6); entraining yarns based on thermoplastic and reinforcing fibers and bring together the yarns in a parallel and touching manner in the

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form of a sheet (col 2, ln 10-col 3, ln 40; figs 1-6); heating the sheet in a heating zone wherein the sheet is heated to a temperature reaching at least the melting point of the thermoplastic without reaching the softening temperature of the reinforcing fibers (col 2, lns 10-col 3, ln 40; figs 1-6); introducing the sheet against at least one rotating bar that shapes and centers the touching yarns of the sheet wherein the sheet is maintained at a temperature at which the thermoplastic is malleable and the touching yarns are brought together into a more touching state (col 2, lns 63-66; col 3, ln 66-col 4, ln 28)--as a note, the elimination of the corrugations indicate that the touching yarns were moved into a more touching state; and cooling the sheet in order to consolidate the yarns by freezing the thermoplastic and set the dimension and appearance of the sheet (col 5, ln 52-col 6, ln 10; figs 1-6). However, Loubinoux et al does not teach a rotating impregnation device that maintains the temperature of the sheet at a temperature at which the thermoplastic is malleable and distributes the thermoplastic uniformly and impregnates the fibers.

Angell, Jr. et al teach a process for manufacturing resin-impregnated fiber tows (figs 1-2); using an impregnation station including kneader rolls and nip rolls positioned before a centering roll wherein the kneader and nip rolls cause uniform distribution of the resin and uniform impregnation of the fibers (col 4, lns 18-50; figs 1-2); and heating the kneader rolls and nip rolls to maintain the resin in a molten condition (col 4, lns 42-48; figs 1-6). Loubinoux et al and Angell, Jr. et al are combinable because they are analogous with respect to forming a fiber-reinforced tape/sheet/tow. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to redesign the apparatus of Loubinoux et al to include the kneader rolls and nip rolls of

Angell, Jr. et al between the heating zone and at least one rotating bar of Loubinoux et al in order to produce a fiber-reinforced sheet having greater strength and uniformity. In regard to claims 2-6, Loubinoux et al teach providing yarns consisting of continuous glass filaments and continuous thermoplastic filaments which are co-mingled (col 2, ln 10-col 3, ln 40); unreeling a continuous yarn of reinforcing filaments and thermoplastic filaments and regulating the tension of the yarns (col 2, ln 10-col 3, ln 40; col 8, lns 50-60; figs 1-6); passing the sheet (15, 18, or 19) through an additional heating zone (17) after the sheet has passed the impregnation device (fig 2)--as a note, fig 2 clearly shows that the additional heating zone (17) is positioned downstream of the rotating bars (24, 25); and winding the fiber-reinforced sheet on a mandrel (col 5, lns 30-33). However, Loubinoux et al does not teach stripping static electricity from the yarns before passing the yarns through the heating zone. Such is well-known in the molding art in order to prevent the embedment of contamination or eliminate the risk of producing sparks. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to strip any static electricity from the yarns of Loubinoux et al before they are heated in order to ensure a safe molding process and produce a high quality contaminate-free, fiber-reinforced sheet.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bruning et al (USPN 5425981) teach molding a fiber-reinforced tape by melting a sheet of parallel yarns comprised of co-mingled thermoplastic and reinforcing fibers. Sanada et al (JP 11281860 A) teach stripping static electricity from a fiber before the molding of a fiber ribbon in order to prevent adherence of dust.

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Hamada et al (USPN 3851456) teach stripping static electricity from fibers in order to prevent sparking.


8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Edmund Lee whose telephone number is (703) 305-4019. The examiner can normally be reached on Monday- Friday from 8:00 AM to 4:00 PM. The fax number for Examiner Edmund Lee is (703) 872-9615

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H. Silbaugh, can be reached on (703) 308-3829.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

EHL

May 20, 2002

  
Edmund Lee *5/20/02*  
Patent Examiner, AU 1732